

F0375DT-US

REISSUE DECLARATION BY INVENTOR

I, Harry R. Layne declare that I am a citizen of the United States of America, residing at 11 Wisteria Lane, Covington, LA 70433. I further declare that I am the original, first and sole inventor of the subject matter which is described and claimed in U.S. Patent No. 5,649,391, granted on July 22, 1997, and for which a reissue patent is sought on the invention entitled

EMBEDDABLE MOUNTING DEVICE AND METHOD,

the specification of which was filed on February 26, 1999 and assigned reissue application Serial No. 09/258,129 and which has been subsequently by the Amendments filed on February 26, 1999, April 6, 2000, September 18, 2000, September 28, 2000, April 27, 2001 and March 21, 2002.

I further declare that I have reviewed and understand the content of the above-identified specification, including the claims as amended by the preliminary amendment being filed herewith.

I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application in accordance with 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than patentee had a right to claim in the patent.

At least one error upon which reissue is based is described as follows: the issued claims were too narrow in scope and did not capture the complete essence of the invention as described in the specification. Specifically, at least the dimensions recited in independent patent claims 1 and 11 are believed to be unnecessary. Thus, Applicant has added new reissue claims that do not include the following dimensional limitations:

"a first length measuring between fifteen (15") and seventeen (17") inches, a first width measuring between seven (7") and nine (9") inches" and

"a spacing distance measuring between seven (7") and eight (8") inches".

In addition, the issued claims were too narrow in scope in that they used the word "vertical" before "spacer(s)". Thus, new independent claims 19, 20, 25, 28, 37 and 46 do not use the word "vertical" before "spacer(s)".

Moreover, during prosecution of this reissue application, a further error was discovered in that patent claim 1 was too broad and required "three spacers" instead of "two vertical spacers".

I verily believe that all errors corrected in this reissue application up to the time of filing of this oath/declaration arose without any deceptive intention on the part of the applicant. Moreover, every error in the patent that was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of applicant.

I further declare that no application for patent or inventor's certificate on this invention has been filed by us or our representatives or assigns in any country foreign to the United States, except as follows: NONE

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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